

Serial No. 10/517,099

Amend. In Resp. to Off. Act. of Jan. 24, 2007

UTILITY PATENT

B&amp;D No. P-US-PR-1080

REMARKS

Applicants have amended Claim 1. Currently in the application therefore are Claims 1-6, 8-9, 11, 17 and 21-23.

The Examiner rejected Claims 1, 3-6, 8-11, 17 and 21-23 under 35 USC § 102(b) as being anticipated by US Patent No. 4,464,962 ("Myhre"). Claim 2 is rejected under 35 USC § 103(a) as being unpatentable over Myhre in view of US Patent No. 6,263,584 ("Owens").

Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1, as amended, calls for a miter saw comprising a base comprising a working surface having first and second guide tracks, a saw assembly pivotally connected to the base, the saw assembly comprising a blade, the blade being movable in a first cutting plane, the cutting plane intersecting the working surface along a first cutting line, the saw assembly being movable towards the base for cutting a workpiece placed on the base, and an adjustable elongated fence mounted on and supported by the working surface, the fence comprising a first portion disposed on one side of the cutting line and being substantially perpendicular to the working surface, a first track follower member connected to the first portion and in cooperative sliding engagement with the first guide track, the fence being pivotally mounted about the first track follower member, a second portion disposed on the other side of the cutting line, the second portion being substantially coplanar with the first portion and substantially perpendicular to the working surface, a second track follower member connected to the second portion and in cooperative sliding engagement with the second guide track, and a rigid support element extending outside

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the first plane when in the first position and extending between and rigidly connected to the first and second portions.

Admittedly, Myhre discloses a saw with two guide tracks in the working surface, and first and second fence portions slidably movable the guide tracks. However, Myhre, as admitted by the Examiner, discloses a table saw, not a chopping miter saw.

By contradistinction, Claim 1 requires "a saw assembly pivotally connected to the base, ... the saw assembly being movable towards the base for cutting a workpiece placed on the base." This effectively defines a chopping or miter saw, rather than a table saw. Therefore Myhre cannot anticipate Claim 1 and its dependent claims.

Furthermore, assuming that the Examiner is correct and that the first and second fence portions of the Myhre fence can be placed substantially coplanar, element 22 is not rigidly connected to the first and second fence portions, as element 22 is movable relative to the first and second fence portions.

By contradistinction, Claim 1 requires "a rigid support element ... extending between and rigidly connected to the first and second portions." Such arrangement ensures the precision of the fence. Because Myhre does not disclose such missing elements, it cannot anticipate Claim 1 and its dependent claims.

Because Owens does not disclose, teach or suggest a rigid support element extending between and rigidly connected to the first and second fence portions, the Myhre/Owens combination cannot render Claim 2 unpatentable.

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No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

In view of the foregoing, Claims 1-6, 8-9, 11, 17 and 21-23 are patentable and the application is believed to be in condition for formal allowance.

Respectfully submitted,



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